

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

D.L. et al,

Plaintiffs,

CASE NO. 1:22-cv-838

v.

HON. ROBERT J. JONKER

MICHIGAN DEPARTMENT OF EDUCATION,

Defendant.

_____ /

ORDER

The Court has just entered an Order in related Case No. 1:22-cv-1208 on Protective Order issues, including a provision requiring third-party fact witnesses to sign an undertaking as a condition of reviewing Confidential Materials germane to their testimony. If the Court had noticed the similar language in the Proposed Protective Order in this case at the time of approval (ECF No. 33 June 16, 2023), the Court would have specified, as it did in the 22-cv-1208 Order, that the Court will not compel an unwilling third-party fact witness to sign the undertaking without a fact-specific showing of good cause and citation to appropriate authority. If that happens, and if the parties cannot otherwise reach agreement on the matter, the party seeking the testimony may apply to the Court for appropriate relief.

Dated: August 18, 2023

/s/ Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE